

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

United States of America

v.

Paul Raymond Ross

Case No.

5:13-MJ-503 (DEP)

Defendant(s)

U.S. DISTRICT COURT - N.D. OF N.Y.
FILED
OCT 15, 2013
AT _____ O'CLOCK
Lawrence K. Baerman, Clerk - Syracuse

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 1, 2013 to present in the county of Broome and elsewhere in the
Northern District of New York, the defendant(s) violated:

Code Section

18 U.S.C. § 1513(e)

Offense Description

Retaliation Against a Witness

This criminal complaint is based on these facts:

From on or about September 1, 2013 to present, defendant PAUL RAYMOND ROSS knowingly and with the intent to retaliate took action harmful to Victim #1, including but not limited to interference with Victim #1's lawful employment and livelihood, in retaliation for Victim #1 having providing to a federal law enforcement officer truthful information relating to ROSS' commission of a federal felony offense that occurred in part in the Northern District of New York.

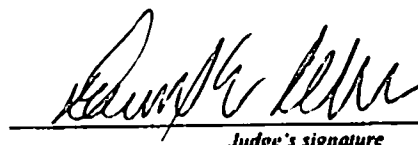
☒ Continued on the attached sheet.

Complainant's signature

Special Agent John P. Bokal, Jr.

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/15/2013

*Judge's signature*City and state: Syracuse, New York

David E. Peebles, U.S. Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

**IN THE MATTER OF A
COMPLAINT AND ARREST
WARRANT FOR PAUL RAYMOND
ROSS**

Docket No. 5:13-MJ-503 (DEP)

**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR A
CRIMINAL COMPLAINT AND
AN ARREST WARRANT**

JOHN PAUL BOKAL, JR., being duly sworn, deposes and states:

Introduction

1. I am a Special Agent with the Federal Bureau of Investigation ["FBI"], an agency of the United States Department of Justice. I am currently assigned to the Binghamton, New York FBI Office. I have been employed as a Special Agent with the FBI for the past 21 years. As a Special Agent with the FBI, I have conducted a wide variety of investigations, including investigations involving the intimidation of witnesses. During my tenure with the FBI, I have been the affiant on and participated in numerous search warrants.

2. I am an "investigative or law enforcement officer of the United States" within the meaning of Section 2510(7) of Title 18, United States Code, and am empowered by law to conduct investigations and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code.

3. This Application and Affidavit sets forth facts and evidence demonstrating that there is probable cause to believe that PAUL RAYMOND ROSS has committed violations of Title 18, United States Code, Section 1513(e) (Retaliation Against a Witness) and requests this Court issue an arrest warrant for ROSS. Since this Affidavit is

being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only facts that I believe are necessary to establish the foundation for an arrest warrant.

4. The statements and facts set forth in this affidavit are based in significant part on the following: my experience and background as a Special Agent with the FBI; information obtained from investigative reports of the United States Marshal Service, and the United States Probation Service; and a review of records from Time Warner Cable and Facebook.

Applicable Federal Criminal Statutes

5. Section 1513(e) of Title 18 of the United States Code provides in pertinent part:

Whoever knowingly, with the intent to retaliate, takes any action harmful to any person, including interference with the lawful employment or livelihood of any person, for providing to a law enforcement officer any truthful information relating to the commission or possible commission of any Federal offense, shall be fined under this title or imprisoned not more than 10 years, or both.

Background of Investigation

6. On April 18, 2008, in the Northern District of New York ["NDNY"], PAUL RAYMOND ROSS pled guilty to Count One of Indictment 07-CR-572, charging ROSS with violation of Title 18, United States Code, Section 875(b), Extortion By Threatening Communications in Interstate Commerce. As part of ROSS's plea agreement, ROSS admitted to the following:

- a. Between January 27, 2007 and February 5, 2007, ROSS wrote email messages to an individual located in Africa known to him as ALI MOHAMMED;

- b. On or about February 3, 2007, ROSS arranged with MOHAMMED for MOHAMMED to write an email message threatening a third individual (hereafter Victim #1) in Pennsylvania and demanding \$20,000 from Victim #1.
- c. On or about February 3, 2007, MOHAMMED wrote an email message from Africa to Victim #1 saying that he had previously loaned ROSS \$20,000 and that if Victim #1 did not pay ROSS \$20,000, MOHAMMED would “make sure to blow every shit [Victim #1’s name]” and that the FBI would have to resolve the matter.
- d. On or about February 4, 2007, ROSS wrote from New York to MOHAMMED in Africa and suggested that MOHAMMED threaten to burn down one of the Victim #1’s businesses. Later that day, ROSS proposed that the text of the email message tell Victim #1 that, if Victim #1 did not pay ROSS the money, MOHAMMED would go after one of Victim #1’s employees and the employee’s family. MOHAMMED then wrote another email message from Africa to Victim #1 including the threat that ROSS had proposed on February 4, 2007, specifically that if Victim #1 did not pay ROSS \$20,000, MOHAMMED would go after one of Victim #1’s employees and the employee’s family.
- e. On February 5, 2007, using another person’s email account, ROSS wrote an email message from New York to Victim #1 in Pennsylvania saying, “i told you sometime back that i borrowed money from some really bad people... he will be coming for it.”

7. In the course of the investigation of the above-described offense, Victim #1 provided truthful information to investigators. Among other things, Victim #1 provided copies to the following e-mail messages to law enforcement:

- a. The February 3, 2007 e-mail message from MOHAMMED described in paragraph 6(c);
- b. The February 4, 2007 e-mail message from MOHAMMED described in paragraph 6(d); and
- c. The February 5, 2007 e-mail message from another individual's e-mail account described in paragraph 6(e).

8. On September 26, 2008, a United States District Court Judge for the NDNY sentenced ROSS to twenty-seven (27) months imprisonment, and three (3) years of supervised release. One of the special conditions of supervised release ordered by the Judge was that ROSS was not to have "any direct or indirect contact" with Victim #1.

9. Since about the time of ROSS's release from federal prison, ROSS has engaged in a letter/e-mail-writing campaign alleging misconduct on the part of Victim #1, FBI agents, an Assistant United States Attorney ["AUSA"], and the United States District Court Judge who were involved in ROSS's original case. ROSS addressed the letters/e-mail messages to the United States Attorney's Office for the NDNY, the United States District Court for the NDNY, and the Office of Professional Responsibility of the United States Department of Justice. ROSS's letters/e-mail messages contained veiled threats against Victim #1, FBI agents, the AUSA who prosecuted him, and the United States District Court Judge who sentenced him. Some examples of ROSS's letters/e-mail messages follow:

- a. On May 7, 2010, ROSS wrote a letter addressed to the United States Attorney's Office, NDNY. ROSS's letter indicated that copies of the letter were being sent to the United States District Court Judge, a United States Attorney's Office for another district, a United States Senator's Office and the Department of Justice, Office of Professional Responsibility. In this letter, ROSS alleged misconduct on the part of the AUSA who prosecuted him, FBI agents, and Victim #1. Ross stated, "We are going to get to the truth no matter what I have to do to force an investigation. I have nothing to live for, and nothing to lose at this point."
- b. On March 21, 2013, ROSS wrote a letter to the United States District Court Judge. In this letter, ROSS requested a letter from the Court "denying" ROSS his right to take legal action against Victim #1. ROSS wrote, "I am very concerned and bothered that the court doesn't seem to care that others lied to protect (Victim #1), and that (Victim #1) openly lied to send me to prison."
- c. Sometime later, ROSS sent a copy of the March 21, 2013 letter to the Department of Justice Office of Professional Responsibility. ROSS included a cover letter in which ROSS wrote, "This is the last time I will ask you or anyone to do something about this. I will not let it go, and they are not going to get away with what they did to me."
- d. On August 1, 2013, ROSS sent an e-mail message to the website of the United States Attorney's Office for the NDNY. In this message, ROSS identified himself, indicated that he had previously furnished documents

alleging misconduct on the part of an AUSA and Victim #1, and stated that the “investigations division” of the FBI out of Albany was now looking into his case. ROSS claimed to have initiated a civil lawsuit against Victim #1 and intended to have a copy of the lawsuit served on Victim #1 the day after ROSS completed his term of supervised release.

- e. On August 7, 2013, ROSS sent the following e-mail message to the website of the United States Attorney’s Office for the NDNY:

“this will be my last correspondence. my probation ends on september 8th.. then we are going to get to the truth. i spoke with a civil rights attorney who says the judge in my case over stepped his authority by prohibiting me from filing a civil lawsuit against (Victim #1). i am moving forward with a civil lawsuit.”

Attached to this e-mail message was a draft copy of the complaint ROSS intended to file.

10. On August 27, 2013, the FBI’s Inspection Division, Initial Processing Unit (IPU) sent ROSS a letter explaining that the IPU was the “entity responsible for investigating allegations of serious misconduct or criminal activity on the part of FBI employees.” In this letter, the IPU acknowledged receipt of a complaint from ROSS and “determined there is no evidence of FBI misconduct. We consider this matter closed.”

Ross’s Civil Suit

11. On August 28, 2013, ROSS filed a Summons and a Complaint for a civil suit in the Broome County Court, State of New York. ROSS listed Victim #1’s date of birth, partial Social Security Number, address, phone numbers, and business name and address in the Complaint. In the Complaint, ROSS alleged in the early 2000’s, ROSS and Victim #1 engaged in criminal conduct. (Ross had made similar allegations to law enforcement

in the past. Although those allegations were investigated, there was no resulting arrest or prosecution based on them.) Further, ROSS alleged that Victim #1 offered to pay ROSS in exchange for ROSS not telling the FBI about Victim #1's involvement in the criminal conduct. ROSS then alleged Victim #1, an AUSA and FBI agents conspired to cover up Victim #1's conduct and maliciously prosecuted ROSS. The Complaint falsely states, "The FBI investigations division has reopened my case and are [sic] currently investigating corruption by federal court judge (name listed), AUSA (name listed) and (an FBI Agent). These three individuals knowingly entered into a conspiracy to cover up crimes committed by (Victim #1)."

Victim #1

12. Victim #1 resides in Pennsylvania. Victim #1 owns a business with locations in both Pennsylvania and Maryland. Victim #1's business employs over 300 people. Victim #1's business has customers in New York, Pennsylvania, New Jersey, Maryland and Virginia. Victim #1 is married to an FBI agent. Victim #1 indicated the certain Facebook Accounts, specifically accounts in the names "Paul Raymond Ross"; "Roger Judd"; and "Paul Justice" (hereinafter the "Target Accounts") have been used to post and/or send threatening images; copies of ROSS's civil suit; and other false derogatory information to: 1) Victim #1's employees; 2) Victim #1's customers; 3) potential customers of Victim #1; 4) business competitors of Victim #1; and 5) media outlets.

Facebook Account of Paul Raymond Ross

13. According to records from Facebook, PAUL RAYMOND ROSS is the subscriber for account location <http://www.facebook.com/paul.r.ross.9>; username "Paul

Raymond Ross”; user e-mail address “paul.r.ross.9@facebook.com.” ROSS established this account on December 18, 2010.

14. Victim #1 provided a copy of images and captions located on the Facebook page for PAUL RAYMOND ROSS. The items provided by Victim #1 include the following:

- a. Image of a shotgun and a AR-15 with the caption “Lock and Load,” posted on July 6, 2013;
- b. Image of a revolver with the caption, “say hello to my little friend,” posted on July 6, 2013;
- c. Image of a rifle with the caption, “happy times,” posted on July 6, 2013;
- d. Image of Victim #1 with the caption, “there is now an internal investigation into this woman....”, posted on July 18, 2013;
- e. Image of the US Dept of Justice logo with caption, “the us attorney’s office in syracuse is corrupt....” The caption continues by accusing an FBI agent and an AUSA of lying, posted August 7, 2013;
- f. Image of the quote “never forgive and never forget”, with the caption, “T – minus 8 days and counting!!!! Open the floodgates of hell,” posted on August 7, 2013.

15. On October 2, 2013, your affiant reviewed the Facebook page for PAUL RAYMOND ROSS and verified the above items. Your affiant noted in the photo section of this account, Victim #1’s image was adjacent to the image of the AR-15 and shotgun, the image of the revolver and the image of the rifle. Your affiant observed a filed copy of ROSS’s civil suit posted to this site. In addition, your affiant observed what appeared to be a copy of the August 27, 2013 letter from IPU to ROSS. However, the closing paragraph had been altered to read, “the IPU has reviewed your allegation and determined there is evidence of FBI misconduct.” (sic) [hereinafter “altered IPU letter”).

Facebook Account of Roger Judd

16. According to records from Facebook, ROGER JUDD is the subscriber for account location <http://www.facebook.com/roger.judd.921>; username "Roger Judd"; user e-mail address "roger.judd.921@facebook.com". This account was established on November 26, 2012.

17. On October 2, 2013, your affiant reviewed the Facebook page for ROGER JUDD and noted the following:

- a. Multiple postings, dated between September 7 and 25, 2013, of the following message [hereinafter referred to as the "lawsuit notice"]:

"A CIVIL LAWSUIT HAS JUST BEEN FILED AGAINST (Victim #1), VICE PRESIDENT OF (Victim #1's business). (Victim #1) GREW AND EXPANDED (their business) THROUGH THE THEFT OF INVOICES, AND OTHER INFORMATION FROM OTHER (competitor) COMPANIES. (Victim #1) PAID AN INDIVIDUAL TO BRING THIS INFORMATION TO (Victim #1). (Victim #1) LIED TO THE FBI ABOUT HER INVOLVEMENT IN THIS CRIME. THE CASE HAS NOW BEEN RECENTLY REOPENED. (Victim #1's business) IS GOING TO DO EVERYTHING POSSIBLE TO KEEP THIS QUIET. MYSELF AND A FEW OTHERS ARE GOING TO MAKE SURE THAT DOESN'T HAPPEN. YOU CAN SEE A COPY OF THE "CIVIL LAWSUIT" ON MY FACEBOOK PAGE... ROGER JUDD UNDER PHOTO'S.... ENTITLED LAWSUIT! The U.S. attorney's office in Syracuse NY helped to cover up (Victim #1's) crime. They did this solely as a favor to (Victim #1's spouse). (Victim #1's spouse) works for the department of justice. The FBI's investigations division is now looking into corruption by the U. S. attorney's office and by a federal court judge who also helped to protect (Victim #1). Everyone please share this letter! We cannot allow two separate justice systems in this country. (Victim #1's business) made millions of dollars off stolen information from their competitors. (Victim #1) paid someone to go and retrieve this information. Its estimated that over 5000 invoices were acquired through theft. No business should be above the law and receive protection from prosecution simply because they are connected to the department of justice. As a business owner you should care deeply about this."

- b. The same image of the quote “never forgive and never forget” from paragraph 14(f) above, posted September 12, 2013;
- c. A message posted on September 12, 2013, calling for the protest of a cover up by the FBI and the United States Attorney’s Office at the Federal Courthouse in Scranton, PA on September 30, 2013.
- d. A filed copy of ROSS’s civil law suit, posted September 4, 2013.
- e. The altered IPU letter.

Facebook Account of Paul Justice

18. According to records from Facebook, PAUL JUSTICE is the subscriber for account location <http://www.facebook.com/arron999>; username “Paul Justice”; user e-mail address “arron999@facebook.com.” This account was established on September 16, 2010. As detailed below in paragraph 24, a search warrant was executed on Facebook for information related to this account. Records provided pursuant to that search warrant indicated this account had the previous usernames: “Paul Ross” and “Pablo Isabel”.

19. On October 3, 2013, your affiant reviewed the Facebook page for PAUL JUSTICE and noted the following:

- a. The message, “When someone wrongs you that is between them and GOD! You may have to arrange the meeting,” posted October 1, 2013.
- b. The same image of the quote “never forgive and never forget” from paragraph 14(f) above, posted September 30, 2013;
- c. Copy of ROSS’s civil suit with the caption, “(Victim #1) needs to go to jail.”

20. Between September 9, 2013 and October 1, 2013, the user of the Target Accounts logged into all three of the accounts from the identical IP address. No other IP Address was used to log into these accounts during this period. Due to only one IP Address being used to log into Target Accounts and the similar content on the Target Accounts, your affiant concludes that ROGER JUDD and PAUL JUSTICE are aliases for PAUL RAYMOND ROSS and that ROSS is the user of all three accounts.

Recipients of Posts from Target Accounts

21. Your affiant interviewed the owner/manager of a business located in Endicott, NY (Business #1). Business #1 was a customer of Victim #1's business. Business #1 has an account with Facebook which the owner/manager showed to your affiant. Your Affiant observed that on September 16, 2013, the account of ROGER JUDD posted the "Lawsuit Notice" to Business #1's Facebook account.

22. Your affiant interviewed the owner/manager of a business located in Binghamton, NY (Business #2). Business #2 was a customer of Victim #1's business. Business #2 has an account with Facebook. On September 1, 2013, ROGER JUDD posted a copy of ROSS's lawsuit to Business #2 Facebook account. On their Facebook account, Business #2 requested that ROGER JUDD not post "personal matters that may be detrimental to others" (to Business #2's Facebook account). On September 19, 2013, ROGER JUDD posted the following response to Business #2's Facebook account, "not only won't i stop my postings...i will do everything possible to destroy the reputation of this company...they are now under investigation by the fbi..."

23. Some of Victim #1's friends and customers are members of the Facebook Group, "You know your from Dunmore." On September 29, 2013, ROGER JUDD posted the following messages about Victim #1 to this Facebook Group:

"i am already hurting their business and i finally got the fbi to re-open the case...(Victim #1) is in a lot of trouble..."

And later:

"take a hike...i am just getting warmed up...(Victim #1) sent a man to prison for 2 years because (Victim #1) lied to fbi investigators...now it is her turn..."

Results of Search Warrant on Target Accounts

24. On October 8, 2013 United States Magistrate Judge David E. Peebles, NDNY, authorized a search warrant for records and content held by Facebook relating to the Target Accounts. On October 11, 2013, in response to the search warrant, Facebook provided records for the Target Accounts. Each account contained over one thousand pages of records. A review of these records is ongoing.

25. From the review completed to date, it is clear that ROSS used the Target Accounts to post and/or send threatening images; copies of ROSS's civil suit; and false derogatory information concerning Victim #1 to: 1) Victim #1's employees; 2) Victim #1's customers; 3) potential customers of Victim #1; 4) business competitors of Victim #1; and 5) media outlets. The search located several versions of the Lawsuit Notice with slightly different wording, sent out on various days to well over 100 other Facebook accounts. A majority of the Facebook accounts that received the Lawsuit Notice were businesses, the nature of which makes them customers or potential customers of Victim #1's business. Each version of the Lawsuit Notice contained the following information:

- a. A civil lawsuit was filed against Victim #1, alleging illegal conduct on the part of Victim #1;
- b. Victim #1's business made millions from illegal activity; and
- c. The false statement that FBI has reopened an investigation looking into corruption of a Federal Judge, an AUSA, an FBI agent, and Victim #1.

26. On October 8, 2013, ROSS used the account of Paul Justice to post the Lawsuit Notice to a media outlet's Facebook Page (hereinafter Media #1). In this posting, ROSS told Media #1 that, "We are currently sending this post to about 200 businesses a day. That will continue until the civil lawsuit is settled."

27. Several of the recipients of the Lawsuit Notice asked that they not receive any further postings on the subject from ROSS or questioned ROSS about the posting. Examples of ROSS's response to those requests include:

- a. On September 11, 2013, ROSS used the account of Roger Judd to post the following to Business #3's Facebook account: "i am going to ruin that company!!!" (Victim #1's business);
- b. On September 12, 2013, Ross used the account of Paul Justice to post the following to Business #4's Facebook account: "...you can see the civil suit and a letter from washington dc that in fact there was misconduct by the fbi in this case... go to fb and look under roger judd and then go to photo albums and click on lawsuit..."
- c. On September 16, 2013, ROSS used the account of Roger Judd to post the following to Business #5's Facebook account: "i am just getting started with that company (Victim #1's business)...they are in big trouble...that

bitch sent an innocent man to prison to cover up her crime...fuck you.”

Later, ROSS sent another message to Business 5’s Facebook Account: “i am reaching out to every business that may or might use (victim #1’s business)...(Victim #1’s business) and (Victim #1) are in a lot of trouble... that bitch and her company are going to be held accountable. i live in Endicott and i don’t want that company hear here.”

- d. On September 20, 2013, ROSS used the account of Roger Judd to post the following to Business #6’s Facebook account: “. . . i am going to ruin that company, unless of course they settle my civil suit...then I will be gone...” Later, he sent the following message: “...i have plenty of help in this campaign to hurt her company...”


Conclusion

28. Based on the above, there is probable cause to believe that PAUL RAYMOND ROSS has violated Title 18, United States Code, Section 1513(e), by knowingly, and with intent to retaliate against Victim #1, taking action harmful to Victim #1, including interference with Victim #1’s lawful employment and livelihood, for Victim #1 providing truthful information to law enforcement relating to ROSS’s commission of a Federal offense. As a result, I respectfully request that this Court issue a warrant for the arrest of PAUL RAYMOND ROSS.

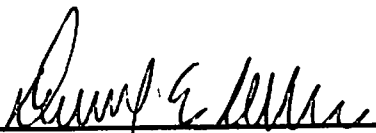
Sealing Request

29. I respectfully request that this Affidavit and the requested Criminal Complaint be sealed until further order of this Court or the arrest of PAUL RAYMND ROSS. The investigation underlying this Affidavit will continue after the Court issues

the Complaint and premature notice to ROSS that a complaint has been issued could jeopardize the safety of Victim #1 and the investigation.


JOHN PAUL BOKAL, JR.
Special Agent
Federal Bureau of Investigation

Attested before me by
telephone pursuant to
Fed. R. Crim Pro. 4.1
this 15th day of October 2013


The Honorable David E. Peebles
United States Magistrate Judge
Northern District of New York